

**MINUTES OF THE
HOUSE GOVERNMENT OPERATIONS STANDING COMMITTEE
ROOM W010, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
February 5, 2007**

MEMBERS PRESENT: Rep. Glenn Donnelson, Chair
 Rep. John Mathis, Vice Chair
 Rep. DeMar "Bud" Bowman
 Rep. Lorie Fowlke
 Rep. Keith Grover
 Rep. Neil Hansen
 Rep. Neal B. Hendrickson
 Rep. Eric Hutchings
 Rep. Curt Oda
 Rep. Larry Wiley

MEMBERS ABSENT: Rep. Douglas Aagard

STAFF PRESENT: Benjamin N. Christensen, Policy Analyst
 Karen Mitchell, Committee Secretary

Note: A list of visitors and copy of handouts are filed with committee minutes.

Rep. Donnelson called the meeting to order at 8:19 a.m.

MOTION: Rep. Bowman moved to approve the minutes of the February 1, 2007 meeting.
 The motion passed unanimously with Rep. Grover, Rep. Hutchings and Rep.
 Mathis absent for the vote.

H.B. 316 Expansion of Career Service to the Office of Attorney General (*Rep. R. Lockhart*)

Rep. Lockhart explained the bill.

Spoke for the bill: Ray Hintze, Utah Attorney Generals Office.

MOTION: Rep. Bowman moved to pass the bill out favorably. The motion passed
 unanimously with Rep. Grover and Rep. Mathis absent for the vote.

S.B. 97 Constitutional Revision Commission Membership (*Sen. P. Knudson*)

Sen. Knudson explained the bill.

MOTION: Rep. Wiley moved to pass the bill out favorably. The motion passed unanimously
 with Rep. Grover and Rep. Mathis absent for the vote.

MOTION: Rep. Fowlke moved to place the bill on the Consent Calendar. The motion passed unanimously with Rep. Grover and Rep. Mathis absent for the vote.

H.B. 287 Election Day Voter Registration (Rep. N. Hansen)

Rep. Hansen explained the bill to the committee.

MOTION: Rep. Hansen moved to delete in title and body H.B. 287 and replace it with 1st Substitute H.B. 287. The motion passed unanimously with Rep. Grover absent for the vote.

Spoke to the bill: Michael Cragun, Office of the Lieutenant Governor

Spoke against the bill: Arie VanDeGraaff, Utah Association of Counties
LeGrand Bitter, Utah Association of Special Districts

MOTION: Rep. Hendrickson moved to pass the bill out favorably. The motion failed with Rep. Grover, Rep. Hansen, Rep. Hendrickson, Rep. Hutchings, and Rep. Wiley voting in favor of the motion. Rep. Bowman, Rep. Donnelson, Rep. Fowlke, Rep. Mathis and Rep. Oda voted against the bill.

H.B. 233 Environmentally Restricted Zoning Districts (Rep. M. Morley)

Rep. Morley explained the bill.

MOTION: Rep. Mathis moved to amend the bill as follows:

1. Page 10, Line 284:

284 (3) ~~(a)~~ (i) A municipality may not deny a land use application with respect to land located in

2. Page 10, Lines 287 through 289:

287 ~~{(a)}~~ (i) the municipality failed to comply with the requirements of Subsection (1); or

288 ~~{(b)(i)}~~ (ii)(A) the applicant:

289 ~~{(A)}~~ (I) presents competent evidence , subject to Subsection (3)(b),
demonstrating that use of the land as proposed in the

3. Page 10, Lines 292 through 293:

292 ~~{(B)}~~ (II) establishes by professional engineering data and the testimony of
competent
293 experts , subject to Subsection (3)(b), that the potential detrimental effects resulting
from the use of the land as proposed in

4. *Page 10, Line 295:*

295 ~~{(ii)}~~ (B) the land use application proposes lots with an average size that is
no smaller than

5. *Page 10, Lines 298 through 299:*

298 ~~{(iii)}~~ (C) the land use application otherwise complies with all other
requirements applicable
299 to ~~{all other}~~ zoning districts of similar use and density in the municipality.

(b)(i) A municipality may reject evidence, professional engineering data, and
expert testimony that an applicant presents under Subsection (3)(a)(ii)(A) if the
municipality determines that the evidence, data, or testimony is incomplete or
inaccurate or does not adequately assess the risks to the public of the municipality's
approving the land use application.

(ii) All disputes between an applicant and a municipality regarding a
municipality's rejection of evidence, data, or testimony under Subsection (3)(b)(i)
with respect to a land use application shall be resolved in a single binding arbitration
proceeding, as provided in Section 10-9a-709.

6. *Page 23, Line 693:*

693 (3) (a) A county may not deny a land use application with respect to land located
in an

7. *Page 23, Lines 696 through 698:*

696 ~~{(a)}~~ (i) the county failed to comply with the requirements of Subsection
(1); or

697 ~~{(b)(i)}~~ (ii)(A) the applicant:

698 ~~{(A)}~~ (I) presents competent evidence , subject to Subsection (3)(b),
demonstrating that use of the land as proposed in the

8. *Page 23, Lines 701 through 702:*

701 ~~{(B)}~~ (II) establishes by professional engineering data and the testimony of

competent
702 experts , subject to Subsection (3)(b), that the potential detrimental effects resulting
from the use of the land as proposed in

9. Page 23, Line 704:

704 {~~(ii)~~} (B) the land use application proposes lots with an average size that is
no smaller than

10. Page 23, Lines 707 through 708:

707 {~~(iii)~~} (C) the land use application otherwise complies with all other
requirements applicable

708 to ~~{all other}~~ zoning districts of similar use and density in the county.

(b)(i) A county may reject evidence, professional engineering data, and expert testimony that an applicant presents under Subsection (3)(a)(ii)(A) if the county determines that the evidence, data, or testimony is incomplete or inaccurate or does not adequately assess the risks to the public of the county's approving the land use application.

(ii) All disputes between an applicant and a county regarding a county's rejection of evidence, data, or testimony under Subsection (3)(b)(i) with respect to a land use application shall be resolved by a single binding arbitration proceeding, as provided in Section 17-27a-709.

The motion to amend the bill passed unanimously.

Spoke for the bill: Wendell Gibby, citizen (handout)
Rep. Michael Noel
Rep. Christopher Herrod

Spoke against the bill: Mike Ostermiller, Utah Property Rights
Robert Bradshaw, Mapleton City Administrator
Jeff Stenquist, Draper City Council
Gary Crane, Layton City

MOTION: Rep. Oda moved to pass the bill out favorably as amended.

SUBSTITUTE

MOTION: Rep. Fowlke moved to table the bill. The substitute motion failed with Rep. Oda and Rep. Wiley voting in favor of the motion.

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The original motion to pass the bill out favorably passed with Rep. Fowlke and Rep. Wiley voting against the motion.

MOTION: Rep. Bowman moved to adjourn. The motion passed unanimously.

Rep. Donnelson adjourned the meeting at 9:56 a.m.

Rep. Glenn Donnelson, Chair